

**Town of Athelstane
Private Road Design Standards
Ordinance # 4.1**

An ordinance to set standards for all Private roads in the Town of Athelstane

1. **PURPOSE:** The purpose of this ordinance is to promote the safety and general welfare of the citizens of the Town of Athelstane and others who travel the Private roads by providing for the orderly layout and construction of Private roads.

2. **PERMIT:** To insure compliance with the standards created by this ordinance, no person shall commence construction of any Private road that is intended to provide access to more than two (2) landowners without first obtaining a permit for such construction from the Town, along with a copy of this ordinance and typical road cross section. Permits can be obtained from the Town of Athelstane Town Board or Designee. Applicants are also responsible for any other county or state permits needed.

PRIVATE ROAD MAINTENANCE ASSOCIATION

(1) PURPOSE AND MEMBERSHIP

A Private Road Maintenance Association shall be formed for the purpose of maintaining, preserving, supervising and regulating use of all newly created Private Roads. The 66 foot wide easement for vehicular/or pedestrian ingress, egress and utility purposes are for the use and enjoyment of the common landowners owning lands fronting on or adjoining said roadway. Any party or group of parties with an ownership interest in a particular parcel of land fronting or adjoining said roadway is automatically a member, but each separate parcel of land shall be entitled to one, and only one, vote in the Association.

(2) ANNUAL MEETING

The Association shall hold an annual meeting at a location within Marinette County, announced by the chairperson, at a date and time announced at least 15 days in advance, by written notice to all members. Parties sharing an ownership interest in one parcel of land shall only be entitled to one written notice, addressed to their designated spokesperson. At the annual meeting, the following shall be discussed and determined:

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a. Immediate maintenance needs for the road.

b. Problems with use, access, condition, etc. presently existing.

- c. Maintenance and plowing arrangements for the winter and spring seasons.
- d. Appropriate fees to be levied and collected.
- e. Election of a chairperson and secretary/treasurer by majority vote of members attending, for the period ending with the next annual meeting.
- f. Such other relevant business as may be discussed or proposed, including any necessary rules or regulations.

(3) BUDGET AND FEES

Pursuant to the foregoing paragraph (2), the Association shall have the power to determine by majority vote of members attending, budget and how much money to collect for anticipated maintenance and care expenses of the subject roadway. Each and every budget shall require the approval of a majority of the members attending the annual meeting. If a majority is unable to agree on a budget, then the highest total budget and levy agreed on by a majority shall become effective. The Developer shall not be exempt from equal payment for each parcel of land still owned by the Developer, as levied by the Association.

(4) DUTIES OF CHAIRPERSON

The Chairperson must be a member in good-standing and preside over the annual meeting. The Chairperson shall be responsible for evaluating and implementing all plowing, care and maintenance, and shall be responsible for the day-to-day care and maintenance of the roadway. The Chairperson with or without notice shall make decisions and expenditures consistent with the budget and directives agreed upon at the annual meeting. An annual accounting, in writing, shall be expenditures may be made only with the approval of majority of the members. Emergency needs shall be dealt with reasonable, at the Chairperson's discretion. The Chairperson shall cause load limits to be posted on roadways as needed and shall be consistent with limits and times posted by the Town of Athelstane on Town Roads.

(5) DUTIES OF THE SECRETARY/TREASURER

The Secretary/Treasurer must be a member in good standing, and shall serve for election until the next annual meeting. The Secretary/Treasurer shall keep and maintain notes, minutes or meetings and all Association records. The Secretary/ Treasurer shall levy and collect all fees, maintain an Association account and prepare and send notices as directed by the Chairperson. Only the Chairperson shall make actual expenditures.

(6) LEVY & COLLECTION FEES

The total annual budget amount approved shall be collected by levy upon all members. The levy shall be apportioned on a pro rated fraction based on the number of lots serviced by subject Private Road. If, upon approval of a majority of the members, the pro rata fraction of the total budget paid by each member may be adjusted to reflect a particular member's extraordinary use of the roadway. All approved fees levied shall be paid

In full to the Secretary/Treasurer on or before November 15th of each calendar year. Any fees not paid may be collected by legal action, in the name of the Association, upon approval of a majority of members, and unpaid fees shall constitute a lien upon the property for which fees are delinquent.

(7) RESTRICTIVE COVENANTS, ASSIGNMENT AND SUCCESSION the terms and conditions of the Road Maintenance Agreement shall constitute a restrictive covenant running with the land. Upon conveyance or transfer of the ownership interest on a particular parcel of land, the membership, duties and obligations arising hereunder shall automatically be conveyed, transferred and assigned to the new owner(s), who shall automatically succeed to the duties arising hereunder.

4. MAINTENANCE: Maintenance by property owners on existing or new private roads is required by the Town. A Private Road Maintenance Association shall be formed as a requirement when creating a new private road. Private roads shall be maintained and be free of any obstruction in order for emergency vehicles to have access to all property owners serviced by that road. If a lack of maintenance is observed by the Town Board or Designee, all property owners on the road shall be notified in writing by the Town that emergency vehicles may not be able to access their property during an emergency. The Town shall not risk damage to emergency vehicles or personnel attempting to gain access to roads not maintained or kept free of obstructions. It is understood that any private road, new or Existing shall not be entitled to either maintenance or improvement by the Town of Athelstane at any time now or in the future.

5. PRIVATE TO TOWN ROAD: Existing private roads within the Town of Athelstane will be considered for public Town road status if the following requirements are fully satisfied:

(1) A majority of owners having access to the road agree, in writing, to grant over the private road easement to the Town of Athelstane as a Town road.

(2) The road meets all standards established in Town of Athelstane Road Design Standards Ordinance including the paving requirement.

(3) Satisfactory Town inspection of the road shall first occur, verified and approved by the Town of Athelstane Board or Designee.

(4) All roads conveyed to the Town of Athelstane shall be free and clear of all liens, encumbrances and restrictions except utility easements. The developer/applicant association shall provide sufficient title evidence reflecting that the property will be conveyed as set forth above if it is to be a public road. Said property shall be conveyed to Town of Athelstane via Quit Claim or Warranty Deed which shall be recorded with the Marinette County Register of Deeds.

(5) Any and all costs shall be the responsibility of the property owners on subject road.

6. **ROADWAY BASE AND FILL:** All marsh, swamp, muck and peat material shall be removed from under the area of the roadway to insure a stable foundation for the Roadway fills. All excavated organic material shall be disposed of either by placing a layer 6 inches minimum depth on the side of cut and fill or by disposal off the roadway. Road fill shall be free of all large rock, muck, peat and other organic matter. Fill material shall be installed in layers up to 6-inch maximum and compacted between layers to assure maximum compactness and prevent differential settlement.

7. **INSPECTION:** Continual inspection of roads by the Town Chairperson and/or Designee during all phases of construction is necessary for roads to be considered for addition to the Town road system. A minimum of 3 inspections must take place and inspections will be made of the road base, ditches and grades, the crushed gravel and driving surface.

8. **EASEMENT:** An easement of 66 feet is required on any newly established private roads. A minimum easement of 49.50 feet is required for a private road to be considered for the Town to take it over as a Town Road.

9. **CLEAR ZONE:** The entire width of the right of way.

10. **CUL-DE-SAC:** All dead end roads, regardless of length, shall have a cul-de-sac at the end having a minimum radius of 75 feet or a "T" of not less than 50 ft. on both sides of center line of said road and not less than 50 ft. wide. On an existing road that has no cul-de-sac or "T", one will be put in if needed when the road is resurfaced.

11. **BOULEVARDS:** No boulevards shall be constructed in the Town of Athelstane.

12. **ROADWAY:** Roadway width shall be not less than 22 feet. The entire roadway width shall have no less than 6-inch bank run covered with 4 inches of crushed gravel. More bank run or crushed gravel may be needed to create stability in problem areas. The roadway surface shall be constructed centered in the easement.

13. **UTILITY PLACEMENT:** Utility placement must be coordinated with Town Board or Designee and developer to run on either or both edges of the easement. See Town of Athelstane Utility Ordinance.

14. **DITCHES:** The ditch must be at least 1 ft. below the bottom of the gravel base or sub-grade. Deeper ditches may be necessary to provide positive drainage patterns. Side slopes of 4 to 1 are desirable with 2-1/2 to 1 maximum. Side slopes and back slopes are to be top

soiled so that they can be seeded for permanent cover.

15. **CULVERTS:** A culvert must be durable and have sufficient hydraulic capacity to carry away a predetermined quantity of water in a given time. Culverts shall be installed as necessary with the location and size to be determined by the Town Board or Designee. Multiple part culverts are to be banded with a band of the same size and gauge as the culvert.

16. **DRIVEWAYS:** There will be no driveways providing access to more than one property. Driveway permit required by the Town of Athelstane.

17. **CURVES AND INCLINES:** All curves and inclines shall be constructed in accordance with the standards set forth in Section 86.26 of WI Statutes currently in effect or subsequently amended which standards are incorporated herein by reference.

18. **STUMPS:** No stumps shall be buried within the right of way

19. **ACCESS:** For each 1/8 mile of an existing road (federal, state, county or town) not more than 1 road may be constructed to adjoin the existing road.

20. **SEEDING:** All side slopes and back slopes shall be seeded with standard DOT highway mix or equivalent mix for permanent cover.

21. **TYPICAL CROSS SECTION:** Attached hereto and made a part of this ordinance.

22. **ROAD SIGNS:** Signs will be provided and installed by the Town of Athelstane. This shall be done at the expense of the owner/developer.

23. **NAMING OF ROADS:** The naming of roads must have Town Board approval. After approval is granted the Town of Athelstane will submit road name to the Marinette County Property Lister for County approval. The road name shall not exceed sixteen (16) characters including spaces.

24. **VARIANCE:** A variance to this ordinance may be granted by Town Board action.

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25. **APPLICABILITY:** This ordinance shall apply to all roads, construction of which is completed after the effective date of this ordinance and all existing roads may in the future become dedicated for public use or submitted to the Town as a Town road.

26. **VIOLATION AND PENALTY:** Any person, firm or corporation who violates this ordinance shall pay a forfeiture of not less than \$100.00 nor more than \$2,000.00, together

with the cost of prosecution, or in default of payment there of by imprisonment in the Marinette County Jail for a term of not more than 30 days. Each day of the violation may constitute a separate offense.

26. **ENFORCEMENT:** The Public Works Director or other persons or persons authorized by the Town Board shall be empowered to inspect and /or issue citations through the power of this ordinance

27. **SEVERABILITY:** In the event that any section or sections herein be ruled unconstitutional by any competent, such determination shall not affect the validity or effectiveness of the other sections of this ordinance and the remainder of said ordinance shall remain in full force and effect.

27. **ENFORCEMENT:** The Town Board or Designee or other person or persons authorized by the Town Board shall be empowered to inspect and/or issue citations through the powers of this Ordinance.

28. **SEVERABILITY:** In the event that any section or sections herein be ruled unconstitutional by any competent, such determination shall not affect the validity or effectiveness of the other sections of this ordinance and the remainder of said ordinance shall remain in full force and effect.